

REMARKS/ARGUMENTS

1.) Withdrawal of Prior Claim Rejections

The Examiner previously rejected claims 2 and 4-8 as being unpatentable over Kuehnel (U.S. Patent Publication No. 2004/0202148) and Li, *et al.* (U.S. Patent Publication No. 2004/0213205). The Applicants twice submitted arguments traversing those rejections, which the Examiner maintained in an Advisory Action dated March 25, 2010. Subsequent to the Advisory Action, the Applicants submitted additional arguments on April 22, 2010, to emphasize the distinctions between IP packets and MPLS labels. In response to those additional arguments, which the Examiner asserts are "moot in view of the new ground(s) of rejection," the Examiner has now withdrawn the prior basis of rejection, but added the teachings of Langille, *et al.* (U.S. Patent Publication No. 2002/0097730) to that of Kuehnel and Li. The Applicants thank the Examiner for withdrawing the prior basis of rejection. For the reasons that follow, however, claims 2 and 4-8 are also patentable over Kuehnel and Li in view of Langille.

2.) Claim Rejections – 35 U.S.C. §103(a)

The Examiner has now rejected claims 2 and 4-8 as being unpatentable over Kuehnel (U.S. Patent Publication No. 2004/0202148) in view of Langille, *et al.* (U.S. Patent Publication No. 2002/0097730) and Li, *et al.* (U.S. Patent Publication No. 2004/0213205). The Applicants traverse the rejections.

It appears that the Examiner is merely picking and choosing from the prior art the technical terms that appear in Applicants' claims, without considering the cooperation between the various claim elements and the function of the claimed invention as a whole. Furthermore, the Examiner's arguments are internally inconsistent. For example, the Examiner first states that "Kuehnel teaches stacking the data frame with at least one inner MPLS label" (Office Action; page 2, §1, ¶2) The Examiner subsequently acknowledges, however, that "Kuehnel doesn't teach an inner MPLS, but Langille teaches inner MPLS" (Office Action; page 3, line 3; emphasis added) The Examiner's inconsistency renders it difficult, if not impossible, for the Applicants to understand the proper basis for the Examiner's claim rejections. Based on an assumption that the Examiner now recognizes that Kuehnel fails to teach an inner MPLS utilized for the

purpose recited in claim 2, the Applicants believe the Examiner's reliance on Langille for such teaching does not cure the deficiencies of Kuehnel.

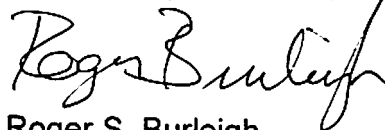
The Examiner asserts that Langille teaches "inner MPLS," referring to paragraphs 0050-0052, thereof. (Office Action; page 3, line 3) Although the referenced portions and figures of Langille disclose the use of an "inner" and "outer" LSPs, the Examiner has not pointed to any teaching therein to utilize inner and outer MPLS labels in the manner recited in claim 2, nor for the purpose of the claimed invention. First, neither Kuehnel nor Langille appear to be directed to transporting TDM time slots of a circuit switched connection from a first circuit switched node to a second circuit switched node through a packet switched network. More importantly, the Examiner has not pointed to any teaching in either of those references to encapsulate the time slots in a data frame, then stack the data frame with (i) at least one inner MPLS label uniquely addressing a PCM system within the second circuit switched node and (ii) at least one outer MPLS label identifying a fixed path of consecutive packet switched nodes within the packet switched network. Although, as noted *supra*, the Examiner inconsistently states that Kuehnel *does* and *does not* teach an inner MPLS, the Examiner nonetheless asserts that Kuehnel teaches an inner MPLS label that "uniquely address[es] a PCM system within the second circuit switched node." (Office Action; page 2, §1, ¶2) The Examiner's sole support for that assertion is that "fig. 1, #5 is an inner ip header, which go through MPLS network and uniquely address an destination." The undersigned has difficulty understanding how the Examiner has equated "inner ip header" to Applicants' claimed element of stacking a data frame with at least one inner MPLS label that uniquely addresses a PCM system within a second circuit switched node. There does not appear to be any such teaching, but merely the presence of certain technical terms, considered in isolation, without considering either the function performed by such element, nor to the overall purpose of the invention as a whole. Accordingly, it does not appear that the Examiner has established a *prima facie* case of obviousness of claim 2 in view of Kuehnel, Langille and Li. Whereas claims 4-8 are dependent from claim 2, and include the limitations thereof, they are also not obvious in view of those references.

CONCLUSION

In view of the foregoing remarks, the Applicants believe all of the claims currently pending in the Application to be in a condition for allowance. The Applicants, therefore, respectfully request that the Examiner withdraw all rejections and issue a Notice of Allowance for claims 2 and 4-8.

The Applicants request a telephonic interview if the Examiner has any questions or requires any additional information that would further or expedite the prosecution of the Application.

Respectfully submitted,



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